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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,771	<b>Applicant(s)</b> NYSTROM ET AL.
	<b>Examiner</b> ABDUL BASIT	<b>Art Unit</b> 3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 July 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date 7/20/06

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claims 1-27 are objected to because of the following informalities: The beginning of each claim does not include "A," "An," or "The." Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to *In re Bilski* 545 F.3d 943 (Fed. Cir. 2008), a method claim must either be tied to a particular machine or transform an article into a different state or thing. Claim 1 fails to adhere to Bilski.

Further, claim 1 is rejected under 35 U.S.C. 101 for being a claim for instructions without any computer medium or even how the instructions are used for a practical application.

Additionally, claim 14 is rejected under 35 U.S.C. 101 for claiming a computer data signal. Signals are not patentable subject matter.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language is vague and unclear with significant shortcomings. The Applicant respectfully requested to make changes to make the claim language understandable.

For example, in claim 2 recites "scanning an environment." It is unclear by the claim language what the Applicant means by scanning an environment. Claim 5 recites "data records relates to an information out of a set of information." It is unclear what information is being sought.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph for depending on a different class. Claim 11 is a computer readable medium, while claim 1 is a method.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuzell-Casey (US Pat. Pub. No. 2004/0039661).

**Regarding claim 1:**

Fuzell Casey teaches a method for automated context information based selective data provision by identification means, comprising:

wirelessly context information from an external source; (*see at least Fig. 2, paragraphs 24-29*)

a data record out of a plurality of data records, wherein said plurality of data records are maintained for selecting; wherein said selecting of said data record is performed in accordance with said context information; (*see at least Fig. 2, paragraphs 24-29*)

supplying said selected data record to said identification means; and providing said prepared data record as an identification information by said identification means for being retrievable wirelessly by an external entity. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 2:**

Fuzell-Casey teaches a method according to claim 1, comprising scanning an environment for said external source. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 3:**

Fuzell-Casey teaches a method according to claim 1 comprising analyzing said context information for selecting said data record. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 4:**

Fuzell-Casey teaches a method according to claim 3, wherein said analyzing comprises at least one operation out of said operations including at least:

extracting one or more commands instructing to select said data record; (*see at least Fig. 2, paragraphs 24-29*)

extracting an information item from said context information to be compared with data items comprised by said data records in order to allow selection of said data record; (*see at least Fig. 2, paragraphs 24-29*) and

extracting an information item from said context information to be compared with association information in order to allow selection of said data record. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 5:**

Fuzell-Casey teaches a method according to claim 1 wherein each of said data records relates to an information out of a set of information including at least payment related information, loyalty card related information, credit card related information, a debit card related information, a prepaid card related information, a coupon related information, a voucher related information and electronic ticket related information. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 6:**

Fuzell-Casey teaches a method according to claim 1 wherein said preparing comprises: configuring an identification means with said selected data record for providing said

selected data record as said identification information. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 7:**

Fuzell-Casey teaches a method according to claim 1 wherein said providing of said selected data record as said identification information is operable with a radio frequency identification means, from which said selected data record is wirelessly retrievable by a corresponding external counterpart identification means. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 8:**

Fuzell-Casey teaches a method according to claim 1 wherein said providing of said selected data record as said identification information is operable with a visual encoding means, from which said selected data record is retrievable by a corresponding external counterpart visual scanning means. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 9:**

Fuzell-Casey teaches a method according to claim 1 comprising:  
revoking said provision of said selected data record in consequence of at least one operation out of a set of operations including:  
running down a predefined interval in time; (*see at least Fig. 2, paragraphs 24-29*)  
exceeding a predefined moment in time; (*see at least Fig. 2, paragraphs 24-29*) and  
detecting that said external counterpart identification means has retrieved said identification information representing said selected data record. (*see at least Fig. 2,*

*paragraphs 24-29)*

**Regarding claim 10:**

Fuzell-Casey teaches a method according to claim 1 wherein said identification means is operable with a reader mode and a transponder mode, comprising operating said identification means in said reader mode for said acquisition of said context information; (*see at least Fig. 2, paragraphs 24-29*) and operating said identification means in said transponder mode for provision of said selected data record. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 11:**

Fuzell-Casey teaches a computer-readable medium having computer-executable program code sections stored thereon Computer program product for executing a method for automated context information based selective data provision for identification means, the comprising program code sections carrying out the steps of claim 1 when said program code sections are-is run on a computer, a microprocessor based device, a terminal, a network device, a mobile terminal or a mobile communication enabled terminal. (*see at least Fig. 2, paragraphs 24-29*)

12. (Cancelled)

13. (Cancelled)

**Regarding claim 14:**

Fuzell-Casey teaches a computer data signal embodied in a carrier wave and representing instructions, which when executed by a processor cause the steps of claim

to be carried out. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 15:**

Fuzell-Casey teaches a portable terminal enabling automated context information based selective data provision for identification means, comprising:

acquisition means adapted for wireless acquiring context information from an external source; (*see at least Fig. 2, paragraphs 24-29*)

selection means adapted for selecting a data record out of a plurality of data records, wherein said plurality of data record is maintained by the portable terminal for selection; wherein said selecting of said data record is operable in accordance with said context information; (*see at least Fig. 2, paragraphs 24-29*) and

configuration means adapted for preparing said selected data record for further processing; (*see at least Fig. 2, paragraphs 24-29*)

wherein said identification means is adapted for providing said selected data record as an identification information for being wirelessly retrievable. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 16:**

Fuzell-Casey teaches a portable terminal according to claim 15, wherein said acquisition means is adapted for scanning an environment for said external source. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 17:**

Fuzell-Casey teaches a portable terminal according to claim 15 wherein the identification means is coupled electrically or wirelessly to said portable terminal at least

for a time.

**Regarding claim 18:**

Fuzell-Casey teaches a portable terminal according to claim 15 comprising:  
analysis means adapted for analyzing said context information comprises at least one  
means out of said means including at least:  
extraction means adapted for extracting one or more commands and/or for extracting an  
information item from said context information, wherein said one or more commands  
instruct to select said data record; (*see at least Fig. 2, paragraphs 24-29*) and  
comparison means adapted for comparing said information item with data items  
comprised by said data records and/or for comparing said information item with  
association information such that the selection is operable with comparison results. (*see  
at least Fig. 2, paragraphs 24-29*)

**Regarding claim 19:**

Fuzell-Casey teaches a portable terminal according to claim 15 comprising:  
revocation means adapted for revoking said provision of said selected data record in  
consequence of a signal generated by at least one means out of said means including  
at least:  
timer means adapted to generate said signal in case a predefined interval in time has  
run down and/or in case a predefined moment in time has been exceeded; (*see at least  
Fig. 2, paragraphs 24-29*) and  
detection means adapted to detect whether said external counterpart identification  
means has retrieved said identification information representing said selected data

record. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 20:**

Fuzell-Casey teaches a portable terminal according to claim 15, wherein said identification means is a radio frequency identification (RFID) means. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 21:**

Fuzell-Casey teaches a portable terminal according to claim 15 wherein said identification means is visual encoding means. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 22:**

Fuzell-Casey teaches a portable terminal according to claim 15 wherein said identification means is operable with a reader mode and a transponder mode; (*see at least Fig. 2, paragraphs 24-29*) wherein said identification means is operable with said reader mode for said acquisition of said context information and said identification means is operable with said transponder mode for provision of said selected data record. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 23:**

Fuzell-Casey teaches a portable terminal according to claim 15 wherein at least one of said means is implemented on the basis of a code section, which is adapted to perform a function of said means, when carried out by a processing means comprised by said portable terminal. (*see at least Fig. 2, paragraphs 24-29*)

Regarding claim 24:

Fuzell-Casey teaches a system enabling for automated context information based selective data provision for identification means, comprising: a source providing context information; (*see at least Fig. 2, paragraphs 24-29*)

a counterpart identification means adapted for acquiring identification information from said identification means; (*see at least Fig. 2, paragraphs 24-29*) and a portable terminal comprising:

acquisition means adapted for wireless acquiring context information from said external source; (*see at least Fig. 2, paragraphs 24-29*)

selection means adapted for selecting a data record out of a plurality of data records, wherein said plurality of data record is maintained by the portable terminal for selection; (*see at least Fig. 2, paragraphs 24-29*) wherein said selecting of said data record is operable in accordance with said context information; and

configuration means adapted for preparing said selected data record for further processing; (*see at least Fig. 2, paragraphs 24-29*)

wherein said identification means is adapted for providing said selected data record as said identification information for being wirelessly retrievable. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 25:**

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Fuzell-Casey teaches a system according to claim 24, wherein said portable terminal is a portable terminal according to claim 15. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 26:**

Fuzell-Casey teaches a system according to claim 24 wherein said counterpart identification means is comprised by a point of sales, a ticket checkpoint or a gate entrance. (*see at least Fig. 2, paragraphs 24-29*)

**Regarding claim 27:**

Fuzell-Casey teaches a system according to claim 24 wherein said source is an identification means storing said context information. (*see at least Fig. 2, paragraphs 24-29*)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is 571-272-5506. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ab

/James P Trammell/  
Supervisory Patent Examiner, Art Unit 3694